



Office of the City Attorney

June 10, 2019

Mayor

Dee Margo

City Council

District 1

Peter Svarzbein

District 2

Alexsandra Annello

District 3

Cassandra Hernandez

District 4

Dr. Sam Morgan

District 5

Isabel Salcido

District 6

Claudia Ordaz Perez

District 7

Henry Rivera

District 8

Cissy Lizarraga

City Manager

Tommy Gonzalez

Via Certified Mail
#91 7199 9991 7034 9528 0581

The Honorable Ken Paxton, Attorney General
Attn: Open Records Division, MC 014
Office of the Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711-2548

RE: Open Records Decision Request for Ms. Emma Best
City's Reference #: 19-1026-10492

Dear General Paxton and Committee Members:

I am writing this letter pursuant to Chapter 552.301 of the Texas Government Code to seek your opinion concerning whether certain requested information is exempted from release.

Ms. Emma Best has requested copies of specified records pertaining to specified topics from the El Paso Police Department. A copy of the request received by the City on May 31, 2019 is attached as **Exhibit "A."** This request seeks broad categories of information some of which the City does not possess. Certain City of El Paso ("City") departments operate twenty-four hours a day. However, open records requests for the City are processed through the Office of the City Attorney at City Hall. Accordingly, City business hours and business days for purposes of calculating the deadlines specified in the Public Information Act are based on the City Hall schedule. Normal City Hall business hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. Therefore, subsequent to the business date of receipt, the following days have been business days for the City of El Paso: June 3, 4, 5, 6, 7, and 10, 2019.

Copies of the responsive records compiled by the El Paso Police Department for your in-camera review are attached as **Exhibit "B."** The City submits that the records enclosed as **Exhibit "B"** must be withheld pursuant to the following:

SECTION 552.108(a)(1) & (b)(1), GOV'T CODE

The information submitted as **Exhibit "B"** is specific and somewhat detailed information about computer crimes and recommended methods to both monitor and combat them. This information is used by law enforcement agencies to learn about groups that engage in such crimes, how these groups carry out their computer intrusions and other crimes, how to take steps to prevent these crimes in the future, and how to respond to current threats to security. This information is generally unknown to the public at large, and for good reason, as

Karla M. Nieman – City Attorney

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19-1026-10492/Doc#894568/BEST, EMMA/W061204-053019

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Office of the City Attorney

knowledge of this information would hamper governmental cybersecurity operations and could compromise current strategies for preventing cyberattacks. Release of this information would enable the public, particularly the criminal organizations whom this information is about, to disrupt government operations and to anticipate and thwart government responses.

SECTION 552.139(a) & (b)(2) & (b)(4); and SECTION 2059.055(a) & (b)(2) & (b)(3) GOV'T CODE

The requested information is made confidential under the Government Code, Section §552.139 and §2059.055 respectively. The responsive documents are entirely comprised of information regarding the defense of computer networks, and security and infrastructure analysis. The City would submit that these documents are all within the scope of confidential information outlined in Sections 552.139 and 2059.055, particularly as pertains to network security information collected, assembled or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; and assessments made by and for governmental entities and maintained by them relating to the vulnerabilities of networks to criminal activities and cybersecurity threats. The City would submit that the release of these documents could give malicious actors a working knowledge of what information is available to the government on cyberattacks and cybersecurity, insight into the methods and means of information gathering and sharing between agencies, and an understanding of the methods used to combat their activities. Release of this information would necessarily present a threat to the continued operation of secure governmental information networks in the City and elsewhere. As the need to keep this information confidential far outweighs any minor public purpose its dissemination would serve, the City would seek to withhold these documents in their entirety.

Thank you for your time and consideration of our request. If you have any questions, or if I can provide you with anything further, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Evan D. Reed".

Evan D. Reed
Assistant City Attorney

EDR:mkl

Karla M. Nieman – City Attorney

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Enclosures

c: Ms. Emma Best
(without enclosures)

Karla M. Nieman – City Attorney

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Cissy Lizarraga

City Manager

Tommy Gonzalez

Electronically via Information Center

Ms. Emma Best

MuckRock News, DEPT MR 74484

411A Highland Ave.

Somerville MA 02144

RE: Request for Records from El Paso Police Department related to
Anonymous and hactivism

Dear Ms. Best:

Enclosed is a copy of the City's submission to the Attorney General about your open records request. The City asserts that the records specified in the submission should be withheld from disclosure based on the law explained in the submission. The Attorney General will advise you of his decision.

Very truly yours,

A handwritten signature in black ink, appearing to read "Evan D. Reed".

Evan D. Reed
Assistant City Attorney

EDR:mkl

Enclosure

c: Opinion Committee
Office of the Attorney General

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